

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF N.Y.

In the Matter of Proceedings )  
to Set Aside Judgments of the )  
District Court in "Non-Core" )  
Bankruptcy Proceedings Under )  
28 U.S.C. § 157 )

GENERAL ORDER

It appearing that a uniform procedure is desirable for the hearing and disposition of motions under Rule 60(b) of the Federal Rules of Civil Procedure and Rule 9024 of the Federal Rules of Bankruptcy Procedure, where relief is sought from a judgment of the District Court entered without a hearing in the District Court upon the recommendation of a Bankruptcy Judge in a non-core proceeding pursuant to 28 U.S.C. § 157(c)(1), it is now

ORDERED pursuant to 28 U.S.C. § 157(a) that such motions shall be filed in and addressed in the first instance by the Bankruptcy Court, which shall hear the motion and submit findings, conclusions, and its recommendation to the District court in the manner prescribed by 28 U.S.C. § 157(c)(1) and Bankruptcy Rule 9003:

PROVIDED, however that if any hearing was conducted by the District Court in connection with its consideration of the Bankruptcy Court's recommendations, or if the District Court judgment was not in accordance with the Bankruptcy Court's recommendation in any regard, then motions for relief from the judgment shall be filed in and addressed only by the District Court.

This ORDER constitutes a general reference of such motions under 28 U.S.C. § 157(a), which may be withdrawn in any particular instance under 28 U.S.C. § 157(d), by the District Judge who granted the judgment that is the subject of the motion.

Dated:

FILED

88 SEP 14 AM 10:10  
U.S. DISTRICT COURT  
W.D.N.Y. - BUFFALO

ATTEST: A TRUE COPY  
U.S. DISTRICT COURT, WDN  
MICHAEL J. KAPLAN, CLERK

By

*James P. Caputo*  
Deputy Clerk

Original Filed

9/14/88

*John T. Curtin*  
JOHN T. CURTIN, Chief, U.S. District Judge

*Michael A. Telesca*  
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*David G. Larimer*  
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*Richard J. Arcara*  
RICHARD J. ARCARA, U.S. District Judge

*John T. Elfvin*  
JOHN T. ELFVIN, Senior, U.S. District Judge